

HEERTJES ET AL. -- 10/822,139
Attorney Docket: 081468-0309161

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REMARKS

This Revised Amendment is being filed in response to the Notice of Non-Compliant Amendment dated January 30, 2007.

In the Notice of Non-Compliant Amendment, the Office noted that claim 18, the strikethrough cannot be easily perceived by the Examiner, double brackets should be used and claims 16-20 should be listed as "Withdrawn-Currently Amended." This Revised Amendment is identical to the Amendment filed on October 13, 2006. The status of claims 16-20 has been changed.

The Remarks that follow have not been altered from the Amendment filed on October 13, 2006

-----Original Remarks-----

Claims 1-20 are pending in this application, of which claims 6-20 are withdrawn from examination. Claims 16-20 have been amended to further recite the invention without any intention of narrowing the scope of any of the claims. Reconsideration and allowance of the present application based on the following remarks are respectfully requested

Applicant strongly disagrees with the Examiner's rationale for the Restriction Requirement, maintains its traversal, and reserves the right to petition the Restriction Requirement and/or file a divisional application directed to the non-elected subject matter

Applicant submits herewith an Information Disclosure Statement of the Subrahmanyam et al. article to confirm that this article is of record, although Applicant submits that it must be already of record since the Examiner based the rejections on the claims on the article.

Figure 2 of Applicant's drawings was objected for not including a Prior Art legend. Applicant respectfully traverses the drawing objections for at least the following reasons.

Applicant submits that the specification never identifies or suggests that Figure 2 is old nor has the Examiner made any showing as to how Figure 2 is old. Paragraph [0045] of Applicant's specification only states that a suitable example of a vibration isolation device ID is disclosed by Subrahmanyam et al., "Active Vibration Isolation Design for a Photolithographic Stepper," Proc. 6th International Symposium on Magnetic Bearing, pp. 10-21, 1998. However, Figure 2 illustrates a lithographic system, a much more complex system, having *inter alia* a base frame BF, a metrology frame MF and a projection system PL. See [0041]-[0047]. The vibration isolation device ID is only a single element of the lithographic

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system shown in Figure 2. Further, paragraph [0047] of Applicant's specification does not identify and/or suggest in any way that the control system is old either. Therefore Applicant submits that Figure 2 is not old and respectfully requests the Examiner to withdraw the drawing objection.

Claims 1-5 were rejected under 35 U.S.C. § 102(b) as being anticipated by Figure 2 of Applicant's drawings and Subrahmanyam et al., "Active Vibration Isolation Design for a Photolithographic Stepper," Proc. 6th International Symposium on Magnetic Bearings, pp. 10-21, 1998 ("Subrahmanyam"), and Japanese Patent Application Publication No. 06-117487 to Takeo ("Takeo"). Applicant respectfully traverses these rejections for at least the following reasons.

As discussed in detail above, Applicant submits that Figure 2 of Applicant's drawings is not prior art. Therefore, Applicant respectfully submits that the Examiner has failed to establish anticipation and that claims 1-5 are believed to be allowable. Thus Applicant requests that the rejections of claims 1-5 under §102(b) in view of Figure 2 of Applicant's drawings should be withdrawn and the claims be allowed.

Subrahmanyam was referenced by Applicant in the specification. Yet Applicant submits that the Examiner could not have possibly considered, read, understood, and/or appreciated Subrahmanyam as the Examiner states "unless the references have been cited by the Examiner on form PTO-892, they have not been considered." Subrahmanyam is not on the PTO-892. It is improper for the Examiner to make a rejection based on a reference which the Examiner has not yet considered. If the Examiner has considered Subrahmanyam then the Examiner has failed to supply a copy per MPEP § 707.05(a) and the Applicant requests an identification of how Subrahmanyam discloses each and every element of claims 1-5. For example, the portions of Applicant's specification cited by the Examiner mainly section [0045], only state that a suitable example of a vibration isolation device ID for use with an embodiment of Applicant's invention is disclosed by Subrahmanyam. However, the Examiner has not established that Subrahmanyam teaches each and every element as set forth in the claims, as is required to anticipate a claim.

Additionally, it is textbook patent law that a rejection under § 102 requires a single reference to disclose each and every element of a claim. The Examiner here has improperly combined the alleged "prior art" Figure 2 of Applicant's specification with the disclosure of Subrahmanyam. Therefore, the Examiner does not rely on a single reference.

Therefore, Applicant respectfully submits that the Examiner has failed to establish anticipation of claims 1-5. Thus, Applicant requests that the rejections of claims 1-5 under §

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102(b) in view of Figure 2 of Applicant's specification and Subrahmanyan be withdrawn and the claims be allowed.

Takeo discloses a vibration control system for a machine tool. A detection signal of a displacement sensor (41) is inputted into a control circuit (34) which generates exciting current (i1, i2) outputted to electromagnets (31, 32) to suppress vertical vibration of the machine.

However, the cited portions of Takeo fail to disclose, teach or suggest a vibration isolation system comprising, *inter alia*, a control system ... configured to decouple vibrations in modal directions; determine a modal compensation signal for each modal direction; recouple each modal compensation signal into an active isolator control signal for each active isolator device; and stabilize at least one unstable natural mode of the body" as recited in independent claim 1 (emphasis added).

The Examiner has simply made no showing of the modal decoupling as claimed. For example, modal decoupling involves transformation to a coordinate system having axis in a direction of the natural modes or eigenmodes of the corresponding body. See paragraph [0051] of Applicant's specification. The Examiner's arguments provide no indication of the teachings of such aspects by the cited portions of Takeo. In the event the Examiner is relying on the underlying document of Takeo and not just the English abstract, Applicant reminds the Examiner of MPEP § 706.02(II). Therefore, if the Examiner maintains the rejections in view of Takeo, then the Examiner must supply an English translation and issue a further non-Final Action in order for Applicant to properly respond.

Therefore, Applicant respectfully submits that the Examiner has failed to establish anticipation of independent claim 1. Claims 2-5 depend from claim 1 and are therefore, patentable for at least the same reasons provided above and for the additional features recited therein. Thus, Applicant requests that the rejections of claims 1-5 under § 102(b) in view of Takeo be withdrawn and the claims be allowed.

All rejections and objections have been addressed. It is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is earnestly solicited. Should there be any questions or concerns regarding this application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.


-----End of Original Remarks-----

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Should the Office need to contact the Applicant's representative, the Office is invited to do so.

Respectfully submitted,

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